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BULLETIN

Legislative Amendments to the Municipal Enumeration Process



Ontario

Ministry of
Municipal
Affairs

John Eakins, Minister

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MUNICIPAL MANAGEMENT PRACTICES BRANCH

The Municipal Management Practices Branch of the Ministry of Municipal Affairs is committed to the promotion of management excellence in municipal operations. As part of its mandate, the branch also monitors policy and legislation developments to keep municipalities aware of important changes in provincial legislation.

This publication has been developed in consultation with the Ministry's field, policy and legal advisors. We hope you will find the material helpful in understanding the recent changes to the enumeration process.

Your comments on this publication are encouraged. If you would like to give us your thoughts, just fill in the form at the back of the publication. It will only take a few minutes, and will help us to design our publications with your needs in mind.

Any questions regarding this publication should be addressed to the area field offices listed on the back cover. Comments on the publication's content should be addressed to Anita Perry, the publication's principal author, at the address below.

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INTRODUCTION

In past attempts to enumerate electors based on language, problems with both the process and the questions asked emerged. The result was less than satisfactory. Recent changes to the Education Act (Bill 75) have created an additional category of electors, based on language.

The new voter identification system will effectively implement the requirements of Bill 75 as they relate to electoral language rights and school board representation. It is essential that the identification of public and separate school supporters, and English and French language electors, be as accurate as possible. The best way to determine this is through the new enumeration process.

Compiling the voters' list is known as enumeration. The new process is at times referred to as the voter identification system. Whichever term you use, the process will be the same. In the 1988 and subsequent enumerations, questions about religion will be asked only to determine if the voter is eligible as a supporter of the separate school system. Those questions about language will determine whether an elector will vote for English or French sector trustees on bilingual school boards, public or separate. Voters' lists will be based on an enumeration to be taken in election years by mail-out questionnaires and, where necessary, follow-up door-to-door canvassing. In non-election years, only those residential buildings having seven or more residential units will be enumerated. The enumeration will either be by mail-out questionnaire or some other method as prescribed by the Minister of Revenue.

Highlights of the new process are as follows:

On May 1 of each election year, the Ministry of Revenue will mail a bilingual questionnaire to every household in Ontario.

Forms will be required to be completed and mailed back to the Ministry of Revenue by a date in mid-May, Enumeration Day. For purposes of the 1988 elections, that date is May 12.

In the following six weeks, by June 30, enumerators will visit those households which did not return the form in order to collect the information.

By July 31, the Ministry of Revenue will send the enumeration list to each municipality and the clerk may make corrections if the list contains "gross or manifest" errors.

Once this corrected list is printed it becomes the preliminary list.

By August 31, the Ministry of Revenue mails a voter identification notice to every household indicating the electoral status of each person and giving them information on the revision of the preliminary list.

After they have received their voter identification notice, eligible electors may request corrections on the preliminary list. The revision begins on the Tuesday following the first Monday in September. For the 1988 local government election, it begins on September 6 and ends on October 17.

This bulletin explains Bill 77, An Act to amend the Municipal Elections Act and the Assessment Act, which sets the framework for the new enumeration process and revision of the preliminary list of electors. To better understand the changes, you are advised to read this bulletin in conjunction with Bill 77.

PART I

MUNICIPAL ELECTIONS ACT

AMENDMENT 1

Section 1, Interpretation

The terms "enumeration" and "enumeration list" are added to the list of definitions. The term "preliminary list" is expanded.

When the enumeration list is given to the clerk, it becomes the preliminary list. After revisions under section 23 (see amendment 10), it becomes the voting list.

AMENDMENT 2

Section 12, Qualification of resident electors

The qualification period for voters is shortened by nine days. The last day changes from the Wednesday in October that precedes polling day by nineteen days to the "Monday in October that precedes polling day by twenty-eight days." For the 1988 local government elections, the qualification period begins on Tuesday, September 6 and ends on Monday, October 17.

A new subsection is added which states that if a person's name is on the preliminary list, that person is entitled to be an elector unless there is evidence to the contrary. The information in the last enumeration shall be updated every year (including non-election years) by using data from the assessment roll and changes to the school support list.

AMENDMENT 3

Section 13, Qualification of non-resident electors

This section pertains to electors who are non-resident and it has been amended in the same way (reducing the qualification period), as for resident electors in the above section 12.

AMENDMENT 4

Section 17, Polling Subdivisions, time for redividing

The clerk may redivide the municipality into polling subdivisions "on or before the date prescribed by the Minister of Revenue under the Assessment Act." The date for 1988 is April 1. (For the 1985 elections the date for this action was April 1. A 1985 amendment then

removed the provision to set the time for dividing or redividing the municipality into polling subdivisions.)

AMENDMENT 5

The heading immediately preceding section 19 , "Preliminary List," is replaced with "Enumeration List" to reflect the change in the new section 19.

AMENDMENT 6

Section 19, Time for preparation of enumeration list of electors

The assessment commissioner will prepare the enumeration list, in an election year, by July 31. The latest updated information, collected from the mail-out questionnaires and follow-up canvassing, as well as changes in the assessment roll and school support list, will be used. For the purpose of a by-election, the assessment commissioner will prepare and deliver the most recent enumeration list to the clerk when requested (see amendment 16).

AMENDMENT 7

Section 20, Preparation of enumeration list where there are no wards

Only after it has been corrected and printed under sections 23 and 24 does the enumeration list become the "preliminary list." References to the preliminary list in section 20 are therefore changed to "enumeration list."

AMENDMENT 8

Section 21, Preparation of enumeration list where there are wards

The changes in subsections 21 (1) and (2) are the same as those noted in amendment 7 above.

AMENDMENT 9

Section 22, Delivery of enumeration list

The assessment commissioner will now be required to deliver the enumeration list to the clerk approximately two months earlier than in the past. Under the new section 22, the clerk will receive the enumeration list on or before July 31 in an election year. The clerk may request, in writing, that the assessment commissioner deliver the

enumeration list in a format that will facilitate the use of electronic means in its printing.

For example, the clerk may ask the commissioner to provide him with the list on a computer tape.

AMENDMENT 10

Section 23, Revision of enumeration list

The enumeration list is revised under section 23. The amendment to this section expands the provisions in revising the enumeration list as follows:

23 (2) After making the corrections to the enumeration list, the clerk fixes the places and times for revision of the list. The clerk must provide the assessment commissioner with these places and times by such a date as the Minister of Revenue prescribes.

23 (3) On or before August 31 in an election year, the assessment commissioner must mail to the electors on the preliminary list a notice stating their electoral status. This notice must also list the places and times for the revision of the preliminary list.

23 (4) Only one notice is required to be mailed per address, regardless of how many electors live at that address. Remember, however, that each apartment in a building is a separate address which requires its own notice.

AMENDMENT 11

Section 24, Printing the preliminary list

Clause 24(b), fixing the place and time for revision of the preliminary list, has been deleted. The fixing of places and times by the clerk for revision and printing of the preliminary list is now provided for by amendments to section 23.

AMENDMENT 12

Section 25, Revision of preliminary list

Two new subsections set the times for revision of the preliminary list.

25 (2) The day for posting copies of the preliminary list by the clerk will be the Tuesday following the first Monday in September. On this same day, the clerk must give notice of this posting in at least two conspicuous places in the municipality and, if there is a newspaper

having general circulation in the municipality, publish the notice in the newspaper. This day is the commencement of the revision of the preliminary list. For the purposes of the 1988 local government elections, the date is Tuesday, September 6.

25 (3) The last day for filing applications for revision, the end of the revision period, is the day immediately preceding the twenty-eighth day before polling day. The applications may be filed with the clerk during normal office hours. For the purposes of the 1988 local government elections, the date is Sunday, October 16. Because Sunday is a holiday, municipalities should consider Monday, October 17 as the last day to accept applications.

The length of the revision period is increased to forty days.

AMENDMENT 13

Section 30, Statement of changes to preliminary list

The new section 30 directs the clerk to send the certified copy of the statement of changes to the assessment commissioner, and all those listed in subsection 25 (5), on or before the twenty-eighth day before polling day. For the 1988 local government elections, that day is Monday, October 17.

AMENDMENT 14

Section 35, Nomination day

Nomination day for a regular election is Monday, the twenty-eighth day before polling day. This amendment extends the period between nomination and polling day by one week. For the purposes of the 1988 local government elections, nomination day is Monday, October 17.

AMENDMENT 15

Subsection 89 (3), Disposition of election records

This is a new subsection which requires the clerk to send the qualification documents of electors who were added to the polling list [certificates filed under subsection 33 (3) and the declarations taken under subsection 56 (1)] to the assessment commissioner. The documents will be sent after polling day, within the time prescribed by the Minister of Revenue under the Assessment Act. That time has not yet been determined for 1988; however, the Ministry of Revenue will advise the clerks in the near future.

AMENDMENT 16

Section 92, Preparation of the preliminary list for a by-election

Two new subsections, 92 (4) and (5), set out the provisions for the preparation (i.e., printing, posting and revision) of the preliminary list to be used at a **by-election**. Since the enumeration list is to be updated annually, the preparation of the preliminary list is based on the latest enumeration list. The **clerk** notifies the assessment commissioner of the requirement for a by-election. The assessment commissioner then delivers the enumeration list to the clerk. The enumeration list is to be dated as of the date that the clerk notified the assessment commissioner of the election.

For example, if the clerk notified the assessment commissioner on June 22, the date on the enumeration list would also be June 22. The most updated electoral data possible are used.

As in a regular election, the clerk makes any corrections under section 23. The corrected list is printed and posted in the municipal office and in at least two other conspicuous public places in the municipality. The qualification period for electors and revision of the preliminary list is any time during the fifteen days before nomination day. The requirements for qualification as an elector are the same as those for a regular election.

If electors are asked to vote on a by-law or a question at a **by-election**, there are new provisions for taking the vote where such vote is in compliance with an order of the Ontario Municipal Board.

- the clerk sets the date for polling day which must be within sixty days of the Board's order.
- the preliminary list is prepared, corrected, printed or reproduced and posted according to the provisions set out in the new subsections 92 (4) and (5).
- the revision period of the preliminary list will be sixteen days, from the twenty-first to the thirty-sixth day after the date of the Board's order.
- the qualifying period for an elector will be from thirty-four days after the effective date of the Board's order to polling day.

PART II

ASSESSMENT ACT

AMENDMENT 17

Clause 2 (1a)(e), Regulations by the Minister

This amendment provides the general authority for the Minister of Revenue to make regulations under specific provisions of the Assessment Act and the Municipal Elections Act.

AMENDMENT 18

Subsection 9 (2), Right of access to information

The word "enumeration" now replaces the word "census" when referring to gathering information for voter identification.

AMENDMENT 19

Subsection 10 (3), Proviso

As in amendment 18, the word "enumeration" now replaces the word "census."

AMENDMENT 20

Subsection 13 (4), School support, preparing the assessment roll

In preparing the assessment roll, the assessment commissioner will be guided in part by information obtained from approved applications for the direction of school taxes made under section 15.

Throughout the year people are able to apply to change their direction of school taxes (change which type of school system they support).

AMENDMENT 21

Section 14, Enumeration process

Section 14 has been re-enacted and significantly expanded to provide for the new enumeration process for both election and non-election years.

14 (1) The enumeration of the inhabitants of each municipality and locality in the assessment regions will be conducted from May 1 to June 30. Previously, the door-to-door enumeration was conducted during the month of September.

14 (2) In years other than an election year, the Minister of Revenue will establish a time for the enumeration. Only the occupants of domestic establishments which

- are in a building having at least seven units
- are used or intended to be used as a residence
- are separately assessed by this Act

will be enumerated in a non-election year.

14 (3) and (4) As elsewhere in reference to the new enumeration process, the word "census" has been replaced with the word "enumeration."

14 (5) This new subsection specifies how the enumeration is to be taken. Unless otherwise specified by the Minister, the municipal enumeration forms will be delivered or mailed to the last known address of each inhabitant and a door-to-door follow-up visit will be conducted of those who have not returned the completed form on or before May 15 or an alternate date prescribed by the Minister. For purposes of the 1988 enumeration, that date is Friday, May 12.

14 (6) The assessment commissioner is required to update the information received on the last enumeration with information collected from other sources, such as property transfers. By doing so, the assessment commissioner is assuring that the enumeration is constantly updated.

14 (7) The assessment commissioner may deliver an enumeration form at times other than during an enumeration to update his information.

AMENDMENT 22

Section 15, Annual school support list

The school support list will no longer be sent to the municipal clerk but to the secretary of the school board annually, on or before September 30. The list is to be compiled from information contained in the enumeration and can be updated throughout the year.

The procedure for including or altering school support status is simplified. A request is made, at any time, by a person who wishes to have a change in his/her school support status and the assessment commissioner may make the change on the next assessment roll. If the assessment commissioner approves, he/she must notify the secretary of each school board in the municipality or locality in which the applicant is entitled to direct taxes for school support.

FINALLY

Bill 77 came into force on April 11, 1988. This publication is intended to be used as a guide explaining amendments made by this Bill to both the **Municipal Elections Act** and the **Assessment Act**. Should you require additional information on Bill 77 or other municipal legislative matters, do contact the Municipal Affairs field office nearest to you. A list of the Ministry's field offices is provided on the back cover of this publication.

COMMENTS

Your comments on this publication are encouraged. If you would like to give us your thoughts, just fill in and cut out the form at the bottom of this page and return it to:

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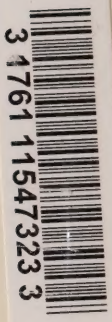
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